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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,954	10/04/2001	Robert D. Glaser	109905-136622	5632

25943 7590 01/20/2006

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EXAMINER	
LIN, WEN TAI	
ART UNIT	**PAPER NUMBER**
2154	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/971,954	GLASER ET AL.	
	Examiner	Art Unit	
	Wen-Tai Lin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *45-51,55-60,62 and 67-77* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *45-51, 55-60, 62 and 67-77* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 45-51, 55-60, 62 and 67-77 are presented for examination. Claims 76-77 are newly added.

2. Claims 45-51, 55-60, 62 and 67-77 are rejected under **35 U.S.C. 112**, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, claims 45-51, 55-60, 62 and 67-77 contain added limitations requiring: (i) storing a first/second portion of the file in one or more buffers of a remote computing device (or a server); (ii) re-fills the at least one buffer with at least another portion of the file to be transmitted or making at least one of the buffers available for re-use; and (iii) the remote computing device, as a result of receiving the seek request and after one other completion of the transmission of the first portion of the file, re-fills the at least one buffer with the second portion of the file or makes the at least one buffer available for re-use.

As to the features of (i) and (ii): it is noted that the feature of server-side buffers and its associated activities are not disclosed in the specification. All the buffers mentioned in the specification are associated with the subscriber's electronic devices (namely, audio buffers, scratch buffer, metadata buffer, high quality buffer, and advance buffer, which are consistent

with the drawings in Figs. 3 and 10-12). While server-side queue (1300 of Fig.13) has been briefly mentioned in the specification, there is no specific teaching as to how the queue is operated with respect to the re-fill activities.

As to the feature of (iii), it is noted that the teaching based on 414, 416 of Fig.4A requires that the subscriber's PC flush its local buffers and ignore message from server until new data comes. In accordance with this teaching, any additional data from the first portion of file the server attempts to transmit after receiving a seek request would be void because the buffers at the client side are flushed.

For the purpose of prior art rejection, features (i), (ii) and (iii) are being ignored because these added features do not render the claim languages more distinct from the previously presented ones.

3. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

4. Claim 48 is objected to because the term "the server" appears to lack antecedence basis.

Claim Rejections - 35 USC § 103

5. Claims 45-55, 62 and 67-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al.(hereafter "Moskowitz")[U.S. Pat. No. 5629732] in view of Biliris et al.(hereafter "Biliris")[U.S. Pat. No. 5720037].

6. Moskowitz and Biliris were cited in the previous office action.

7. As to claim 45, Moskowitz teaches the invention substantially as claimed including: a method of seeking to a location within a file [col.5, lines 63-65; i.e., each movie is contained in a file] having a beginning and an end, the method comprising:

storing at least a portion of the file on a remote computing device [2a –2f, Fig.1; col.2, lines 24-37];

receiving from a client electronic device a signal indicating a seek request from a user to seek to a location within the file [col.2, lines 37-43];

determining the location within the file based upon the seek request wherein the location is not limited to the beginning of the file [Fig.13; col.17, lines 3-13]; and

transmitting from the remote computing device to the client electronic device, the file starting from the location.

Moskowitz does not specifically teach that the seek request is received by the remote computing device while a portion of the file is being sent from the remote computing device to the client electronic device. In other words, Moskowitz's seek request is for seeking fast forwarding, rewinding, or restarting following a pause.

However, in the same field of endeavor, Biliris teaches a video/audio provisioning system that allows a user to command "skip forward" [col.8, line 66 – col.9, line 15] or "skip backward" [col.9, lines 45-62] (i.e., in addition to fast forwarding, rewinding, or restarting commands -- see

col.8, line 22 – col.10, line 7), wherein the skip forward or skip backward request is accompanied with a specified amount of time within the movie [col.8, line 66 – col.9, line 1] and is received by the remote computing device while provisioning of the movie is in progress [see e.g., col.9, lines 3-12 and 63-64].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the skip forward and skip backward functions in Moskowitz's system because: (1) the two additional functions would greatly enhance the implementation of "service alterations" in Moskowitz's system [Moskowitz:Abstract: lines 15-17]; and (2) the service delay caused by skip forward and skip backward is minimized [Moskowitz: col.2, lines 13-15].

8. As to claim 46, Moskowitz further teaches that the seek request comprises data indicating a length of rendering time [e.g., col.5, lines 14-23].

9. As to claim 47, Moskowitz further teaches that the length of time is shorter than a length of time used to buffer the file at the client electronic device [note that this statement is inherently true of Moskowitz's system because a user can not forward or rewind a file with a length (in term of play time elapse) longer than the length of playing the entire file].

10. As to claim 48, Moskowitz further teaches that the length of time is longer than a length of time used to buffer the file at the server [note that this statement is inherently true of Moskowitz's system because in the high-demand scenario the entire movie file is pre-stored in a

memory (col.5, lines 12-15), such that the length of time used to buffer the file (after the movie is being played) is zero].

11. As to claims 49-50, Moskowitz further teaches clearing or filling at least one buffer after the seek request has been received by the remote computing device [e.g., col.4, line 51 – col.5, line 24; col.8, lines 23- 65; note that service alteration is synchronized to the read/write activities in the ping-pong buffers of Fig.8; noted that based on 414, 416 of Fig.4A of Applicant's specification, which requires that the subscriber's PC flush its local buffers and ignore message from server until new data comes, any additional data from the first portion of file the server attempts to transmit after receiving a seek request would be void because the buffers at the client side are flushed.].

12. As to claim 51, Moskowitz further teaches that the file includes audio data to be streamed to the user [col.19, lines 62-64].

13. As to claim 55, since the features of the claim can also be found in claims 45 and 50-51, it is rejected for the same reasons set forth in the rejection of claims 45 and 50-51 above.

14. As to claim 58, Moskowitz does not specifically teach that the server further comprises a message queue wherein the message queue is cleared after the server receives the seek request.

However, since Moskowitz's server is responsible for receiving and responding to requests sent from a plurality of terminal users, it is obvious to one of ordinary skill in the art that

Moskowitz's server could have used a message queue to temporarily hold the requests and clear the queued items that have been serviced because using a queue for unexpected events further simplifies the management of the service request from all users.

15. As to claim 62, Moskowitz teaches that the file is transmitted using network protocols, including ATM and information superhighway [i.e., Internet] (see col.4, lines 1-7). Moskowitz does not specifically teach using TCP/IP. However, TCP/IP is a well-known network protocol suitable for a wide variety of information transfers at the network and transport layers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to used TCP/IP in Moskowitz's system because TCP/IP is a widely supported protocol.

16. As to claims 56-57, 59-60 and 67-77, since the features of these claims can also be found in claims 45-51, 58 and 62, they are rejected for the same reasons set forth in the rejection of claims 45-51, 58 and 62 above.

17. Applicant's arguments filed on 12/9/2005 for claims 49-50 have been fully considered but are moot in view of the new ground(s) of rejection (see the rejection of claims 49-50 in this office action).

18. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(571)273-8300 for official communications; and

(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

January 18, 2006

Wen-Tai Lin
1/18/06